

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Roseanne Cauley Simons,

Plaintiff,

v.

Midwest Telephone Sales and  
Service, Inc., and Frank Bagot, Sr.,

Defendants.

**MEMORANDUM OPINION  
AND ORDER**

Civil No. 05-1120 ADM/JSM

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Andrew T. Jackola, Esq., Mansfield, Tanick & Cohen, P.A., Minneapolis, MN, on behalf of  
Plaintiff.

Mark C. Hart, Esq., Courey, Kosanda & Zimmer, P.A., Golden Valley, MN, on behalf of  
Defendants.

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On January 5, 2006, oral argument before the undersigned United States District Judge  
was heard on Plaintiff Roseanne Cauley Simons' Motion to Dismiss [Docket Nos. 26, 31]  
Defendant Midwest Telephone Sales and Service, Inc.'s counterclaims [Docket No. 24] for  
breach of the duty of loyalty and unjust enrichment.

For the reasons stated at oral argument, Plaintiff's Motion is **GRANTED** and  
Defendant's counterclaims for breach of the duty of loyalty and unjust enrichment are  
**DISMISSED**.

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: January 5, 2006.